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In re Application of
Ronald J. MUFFLER
Application No. 10/730,422
Filed: December 7, 2003
Attorney Docket No. 4435 P

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed December 15, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election; (2) the petition fee of \$ 770; and (3) an adequate statement of unintentional delay.


It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

It is noted that the statement under 37 CFR 3.73(b) filed concurrently with the petition is defective, because (1) the entry for *Applicant/Patent Owner* listed an address instead of name, (2) the *Filed/Issue date* field includes a patent application number instead of the filing date of the application and (3) no title of the person signing the statement has been provided. With a corrected statement under 37 CFR 3.73(b), the concurrently filed revocation of power of attorney with new power of attorney and change of correspondence address form, which was signed by assignee, would become ratified. While a courtesy copy of this decision is being mailed to the

person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Any questions concerning this matter may be directed to Quyen Leung at (571) 272-6051 or in her absence the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2629 for appropriate action on the concurrently filed election.


David A. Bucci
Petitions Examiner
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